

REMARKS

I. Interview Summary

Applicants acknowledge with appreciation the time and cooperation extended by the Examiner in granting a telephone interview with Applicants' representative on August 11, 2008. During the interview, the issues raised in the Office Action mailed June 19, 2008, were discussed, and the substance of the interview is included in the remarks below.

II. Status of Claims

In the Office Action mailed June 19, 2008, the Examiner rejected claims 1-17 under 35 U.S.C. § 112, first paragraph; rejected claims 1-17 under 35 U.S.C. § 112, second paragraph; and rejected claims 1-17 under 35 U.S.C. § 103(a) as being unpatentable over *Bradley et al.* (U.S. Patent No. 7,289,965) in view of screenshots of the Realtor Workstation product ("*RWS*") and *LeClerc et al.* (U.S. Patent No. 6,834,120).

By this Amendment, Applicants amend claims 1-4, 7, and 10-15, and cancel claims 8 and 9. Claims 1-7 and 10-17 remain pending in this application.

III. Rejection of Claims 1-7 and 10-17 under 35 U.S.C. § 112, First Paragraph

In the Office Action, the Examiner rejected claims 1-7 and 10-17 under § 112, first paragraph, for lack of enablement. Specifically, the Examiner alleges that the disclosure does not teach how one skilled in the art "can use the invention for providing, based on a model, an indication of a likelihood that an appraisal value for a property, which is secured by a mortgage loan, was faulty when the received date from the user is some future date, receiving just the information related to a borrower, receiving

appraisal value from a user which can be appraisal value of some other property.”

(*Office Action*, pp. 3 and 4.) Applicants respectfully disagree and submit that the claimed invention is enabled.

The Examiner has misinterpreted the claim language because the claimed “score” does not indicate the likelihood that the appraisal value will be faulty for some future date. Instead, as recited in claim 1, the claimed “score provides the indication of the likelihood that the appraisal value **was** faulty on the date.” (Emphasis added.) For example, in one embodiment, the claimed invention may be used by a lender to perform a quality control function that assesses whether a defaulting mortgage loan was the subject of a faulty appraisal in the past. (*Specification*, ¶ 035.) “[T]he lender would receive an HV Score as of the date the mortgage closed, such that the lender may be able to identify a possible factor that contributed to default (or delinquency).” (*Id.*) Additional enabling support for the claims may be found in, for example, paragraphs 0113 and 0119 of the present specification. Moreover, to advance prosecution, Applicants have amended independent claims 1 and 12-15 to recite “past date.”

For the reasons explained, Applicants submit that independent claims 1 and 12-15 are clearly enabled by the present specification. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of independent claims 1 and 12-15, and their dependent claims 2-7, 10, 11, 16, and 17, under 35 U.S.C § 112, first paragraph.

IV. Rejection of Claims 1-7 and 10-17 under 35 U.S.C. § 112, Second Paragraph

In the Office Action, the Examiner rejected claims 1-7 and 10-17 under 35 U.S.C § 112, second paragraph, as being vague and indefinite because the scope of the

recited “date” is allegedly unclear. (*Office Action*, pp. 4 and 5.) Applicants respectfully disagree and traverse.

As explained above, the scope of the term “date” is clear from the original claim language and specification. Nevertheless, to advance prosecution, Applicants have amended independent claims 1 and 12-15 to recited features inherent in the original claim words. For example, the claims have been amended to recite “past date.” Support for this amendment may be found in, for example, paragraphs 0113 and 0119 of the present specification. The claims have also been amended to recite receiving or providing “information representative of at least one of a borrower of the mortgage loan secured by the property, the property, or one or more demographics of a property location, such that the received information corresponds to the past date.” Support for this amendment may be found in, for example, paragraphs 039 and 040 of the present specification. Finally, the claims have been amended to recite “receiving the appraisal value based on the past date.” Support for this amendment may be found in, for example, paragraphs 041 and 063 of the present specification.

Accordingly, Applicants submit that independent claims 1 and 12-15 are clearly neither vague or indefinite and Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1 and 12-15, and their dependent claims 2-7, 10, 11, 16, and 17, under 35 U.S.C § 112, second paragraph.

V. Rejection of Claims 1-7 and 10-17 under 35 U.S.C. § 103(a)

The rejection of claims 1-7 and 10-17 under 35 U.S.C. § 103(a) is improper because *Bradley et al.* is not prior art against this application. *Bradley et al.* does qualify as prior art under 35 U.S.C. §§ 102(a) or 102(b). *Bradley et al.* and this application

have a common assignee, the Federal Home Loan Mortgage Corporation, also known as Freddie Mac. An applicant can establish common ownership of an application and a reference with a statement by the applicant or any attorney or agent of record to the effect that the application and the reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person. See M.P.E.P. 706.02(l)(2).

Statement Establishing Common Ownership

The undersigned attorney of record hereby states that the present application and *Bradley et al.* were, at the time the invention was made, owned by, or subject to an obligation of assignment to the Federal Home Loan Mortgage Corporation, also known as Freddie Mac. Therefore, *Bradley et al.* is not available as prior art for the purpose of 35 U.S.C. § 103(a). See 35 U.S.C. § 103(c). Accordingly, for at least these reasons, Applicants respectfully request withdrawal of the rejection of dependent claims 1-7 and 10-17 under 35 U.S.C. § 103(a) and the timely allowance of these claims.

VI. Conclusion

In view of the foregoing remarks and amendments, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

The preceding arguments are based on the arguments presented in the Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. The pending claims include elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding arguments in favor of patentability are advanced without prejudice to other bases of

patentability. Furthermore, the Office Action contains a number of statements reflecting characterizations of the related art, the claims, and the priority date of the present application. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.


Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 19, 2008

By: _____


Arthur A. Smith
Reg. No. 56,877
telephone: 202.408.4000